

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
Lynchburg Division**

In re JOHN FRANK BUNI and TRACY ) Case No. 04-02577-WA3-7  
McGENNIS BUNI, )  
 )  
Debtors. )  
\_\_\_\_\_ )

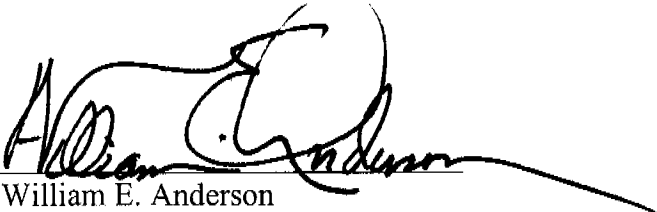
**ORDER**

For the reasons stated in the accompanying memorandum, the motion of R. S. Boyers Heating and Air Conditioning, Inc., for an extension of time to file a complaint objecting to the dischargeability of the debt arising from its claim is granted. The time for R. S. Boyers Heating and Air Conditioning, Inc., to file such a complaint is extended to February 18, 2005.

So ORDERED.

Upon entry of this Order the Clerk shall forward a copy to Franchesca Fede Gomez, Esq., counsel for the movant, W. Stephen Scott, Esq., counsel for the debtor, and the United States trustee.

Entered on this 15<sup>th</sup> day of December 2004.

  
William E. Anderson  
United States Bankruptcy Judge

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**MEMORANDUM**

This matter comes before the court on a motion by R. S. Boyers Heating and Air Conditioning, Inc., ("Boyers") for an extension of time to file a complaint objecting to the dischargeability of the debt arising from its claim.

This Court has jurisdiction over this matter. 28 U.S.C. § 1334(a) & 157(a). This is a core proceeding. 28 U.S.C. § 157(b)(2)(A) & (I). This court may render a final order.

***Facts***

On July 2, 2004, the debtor filed the instant petition. A notice of commencement of the case issued establishing October 12, 2004, as the last date to file objections to dischargeability of claims. On October 12, 2004, Boyers filed a motion to extend the time to file a complaint under 11 U.S.C. § 523 objecting to the discharge of the debt arising from its claim.

***Discussion.***

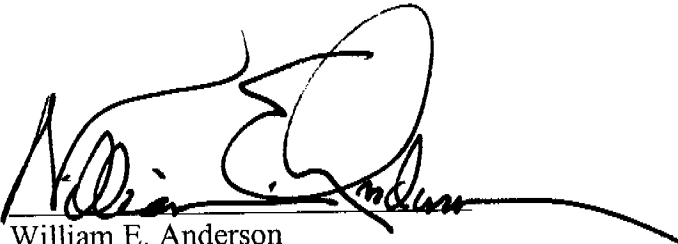
An complaint objecting to the dischargeability of a debt must be filed no later than sixty days after the date first set for the meeting of creditors under section 341(a) of the bankruptcy code. Fed. R. Bankr. P. 4004(a). In this case, the last date that a party may file a complaint

objecting to discharge was October 12, 2003. A motion to extend the deadline to file a complaint objecting to the dischargeability of a debt must be filed before the time to file the complaint has expired. Fed. R. Bankr. P. 4004(b).

The motion to extend time was filed on October 12, 2003, prior to the deadline to file a compliant objecting to discharge. The motion is timely filed. The motion to extend time will be granted.

Upon entry of this Memorandum the Clerk shall forward a copy to Franchesca Fedegomez, Esq., counsel for the movant, W. Stephen Scott, Esq., counsel for the debtor, and the United States trustee.

Entered on this 15<sup>th</sup> day of December 2004



William E. Anderson  
United States Bankruptcy Judge